

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

UNITED STATES OF AMERICA, and  
THE UNITED STATES VIRGIN ISLANDS,  
  
Plaintiffs,  
  
v.  
  
HOVENSA L.L.C.  
  
Defendants.

**UNITED STATES' MOTION, PURSUANT TO FED. R. CIV. P. 25(c), FOR AN  
ORDER SUBSTITUTING WEST INDIES PETROLEUM LIMITED, PORT  
HAMILTON REFINING AND TRANSPORTATION, LLLP, AND THE  
TRANSITION REFINERY ENTITY, LLC FOR DEFENDANT LIMETREE  
BAY REFINING, LLC**

Pursuant to Federal Rule of Civil Procedure 25(c), plaintiff the United States of America, on behalf of the United States Environmental Protection Agency (“EPA”), moves this Court for an order substituting defendant Limetree Bay Refining, LLC with West Indies Petroleum Limited, Port Hamilton Refining and Transportation, LLLP, and the Transition Refinery Entity, LLC in this action, or alternatively joining West Indies Petroleum Limited, Port Hamilton Refining and Transportation, LLLP, and the Transition Refinery Entity, LLC as defendants in this action. As set forth in the accompanying *Memorandum in Support of United States’ Motion, Pursuant to Fed. R. Civ. P. 25(c), for an Order Substituting West Indies Petroleum Limited, Port Hamilton Refining and Transportation, LLLP, and the Transition Refinery Entity, LLC for Defendant Limetree Bay Refining, LLC* (“Memorandum in Support”), the *Declaration of Myles E. Flint, II in Support of United States’ Motion, Pursuant to Fed. R. Civ. P. 25(c), for an Order Substituting West Indies Petroleum Limited, Port Hamilton Refining and Transportation, LLLP,*

*and the Transition Refinery Entity, LLC for Defendant Limetree Bay Refining, LLC*, and the exhibits attached thereto, West Indies Petroleum Limited and Port Hamilton Refining and Transportation, LLLP purchased all or substantially all of Limetree Bay Refining, LLC's assets, and the Transition Refinery Entity, LLC is the reorganized Limetree Bay Refining, LLC.

Counsel for the United States certifies, pursuant to Local Rule 7.1(f), that co-plaintiff the United States Virgin Islands does not object, and defendant Limetree Bay Terminals, LLC does not oppose, the filing of this motion. Counsel for the United States was unable to seek concurrence from Defendant Limetree Bay Refining, LLC because it no longer exists.

#### CONCLUSION

For the reasons set out in more detail in the Memorandum in Support, the Court should substitute defendant Limetree Bay Refining, LLC with West Indies Petroleum Limited, Port Hamilton Refining and Transportation, LLLP, and the Transition Refinery Entity, LLC, or, alternatively, West Indies Petroleum Limited, Port Hamilton Refining and Transportation, LLLP, and the Transition Refinery Entity, LLC should be joined as defendants in this case. A proposed order is attached.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA  
TODD KIM  
Assistant Attorney General  
Environment and Natural Resources Division

s/ Myles E. Flint, II  
Myles E. Flint, II  
Senior Counsel  
Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice - P.O. Box 7611  
Washington, DC 20044-7611  
Tel: 202-307-1859  
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OF COUNSEL:

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Senior Attorney

U.S. Environmental Protection

Office of Enforcement and Compliance Assurance

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Washington, DC 20460

Sara Froikin

Assistant Regional Counsel

U.S. Environmental Protection Agency, Region 2

290 Broadway, 16<sup>th</sup> Floor

New York, NY 10007

CERTIFICATION OF SERVICE

The undersigned certifies to the following:

**1. Filing using the CM/ECF System:**

That on July 28, 2023, he filed the *United States' Motion, Pursuant to Fed. R. Civ. P. 25(c), for an Order Substituting West Indies Petroleum Limited, Port Hamilton Refining and Transportation, LLLP, and the Transition Refinery Entity, LLC for Defendant Limetree Bay Refining, LLC* electronically with the Clerk of Court using the CM/ECF system, which will send notifications of this filing to all who have made appearances.

**2. Service on Port Hamilton Refining and Transportation, LLLP and the Transition Refinery Entity, LLC:**

That on July 28, 2022, the foregoing *United States' Motion, Pursuant to Fed. R. Civ. P. 25(c), for an Order Substituting West Indies Petroleum Limited, Port Hamilton Refining and Transportation, LLLP, and the Transition Refinery Entity, LLC for Defendant Limetree Bay Refining, LLC* was served on the resident agent for Port Hamilton Refining and Transportation, LLLP, and the Transition Refinery Entity, LLC in accordance with Fed. R. Civ. P. 25(c) and (a)(3) by electronic mail and overnight mail to:

**Resident Agent for Port Hamilton Refining and Transportation, LLLP**

MARJORIE RAWLS ROBERTS, P.C.

5093 Dronningens Gade, Ste. 1

Charlotte Amalie, USVI 00802

**Resident Agent for Transition Refinery Entity, LLC**

MARJORIE RAWLS ROBERTS, P.C.

5093 Dronningens Gade, Ste. 1

Charlotte Amalie, USVI 00802

**3. Service on West Indies Petroleum Limited:**

That as shown in the below *Affidavit of Service* of Vincent Pryce, the foregoing *United States' Motion, Pursuant to Fed. R. Civ. P. 25(c), for an Order Substituting West Indies Petroleum Limited, Port Hamilton Refining and Transportation, LLLP, and the Transition Refinery Entity, LLC for Defendant Limetree Bay Refining, LLC* was personally served on West Indies Petroleum Limited on July 13, 2023, in accordance with Fed. R. Civ. P. 25(c) and (a)(3), and Fed. R. Civ. P. 4(f)(2) on West Indies Petroleum Limited, at the following address:

**West Indies Petroleum Limited**

2-21/2 Altamont Crescent

Kingston 5, Jamaica W.I.

/s/ Myles E. Flint, II



- d. Order Granting the United States' Motion, Pursuant to Fed. R. Civ P. 25(c) to Substitute West Indies Petroleum Limited, Port Hamilton Refining and Transportation, LLLP, and the Transition Refinery Entity, LLC for Defendant Limetree Bay Refining, LLC.

SWORN to by the said

**VINCENT PRYCE**

on the 25<sup>th</sup> day of July 2023  
at KINGSTON, JAMAICA  
before me:

NOTARY PUBLIC

ARTHUR HAMILTON  
Attorney-at-Law No. 2347  
NOTARY PUBLIC  
JAMAICA WEST INDIES

V. Pryce  
**VINCENT PRYCE**

**NOTARIAL CERTIFICATE**

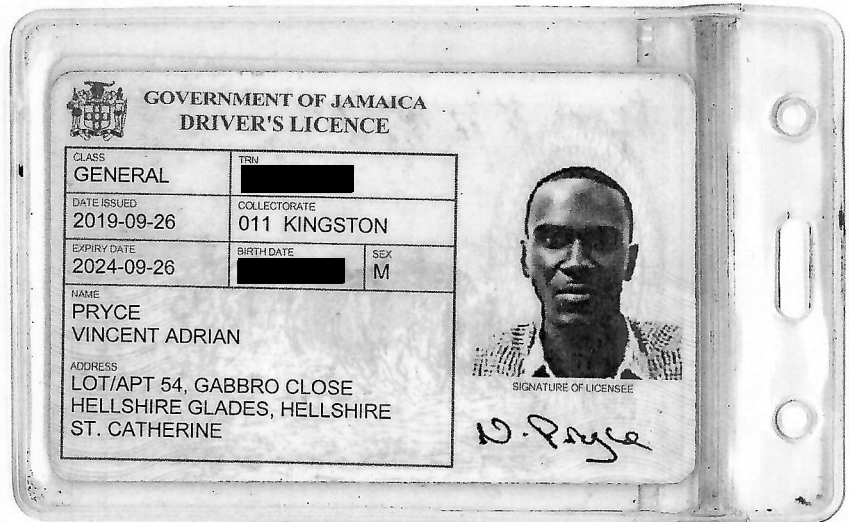
I, ARTHUR HAMILTON of 85 HOPE ROAD, KINGSTON 6, JAMAICA Notary Public  
in and for JAMAICA, DO hereby CERTIFY that on the day of the date hereof  
personally came and appeared before me **VINCENT PRYCE** known to me by due identification  
to be the executing party to the above written Affidavit together with the exhibits and in my  
presence did duly sign and deliver the same as and for his own free and voluntary act and deed.

IN TESTIMONY whereof I have hereunto set my hand and affixed my seal of  
office this 25<sup>th</sup> day of July, Two Thousand and Twenty -Three.

Notary Public in and for JAMAICA

ARTHUR HAMILTON  
Attorney-at-Law No. 2347  
NOTARY PUBLIC  
JAMAICA WEST INDIES





Certified to be a true copy of the Original

✓  
ARTHUR HAMILTON  
Attorney-at-Law No. 2347  
NOTARY PUBLIC  
JAMAICA WEST INDIES

25/7/2023